WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

W.A. No.76 of 2007
and
M.P.No.1 of 2007

N.Venkatesan .. Appellant [Petitioner]

-vs-

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District. .. Respondent[Respondent].

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.No.44476 of 2006, dated 17.11.2006 for issuance of Writ of Certiorari to call for the records of the order passed by the respondent in Na.Ka.No.1416/06/A.5 dated 16.10.2006 and quash the same.

For Appellant : Mr. R.N.Amarnath
For Respondent : Mr. Rajakalifullah, G.P.

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 17.11.2006 passed in W.P.No.44476 of 2006.

2. On direction, learned Government Pleader takes notice for the respondent.

3. The appellant/writ petitioner challenges the summons dated 16.10.2006 issued by the Revenue Divisional Officer, Dharmapuri calling upon him to appear for an enquiry on 13.11.2006 for verification of community certificate. It is not in dispute that on the date when the said notice was issued, the Revenue Divisional Officer has no jurisdiction to go into the correctness or genuiness of the community certificate. It is also not in dispute that pursuant to the direction of this Court, the Government have constituted a three member committee at the District level in G.O.Ms.No.111, Adi Dravidar and Tribal Welfare Department, dated

https://hcservices.ecourts.gov.in/hcservices/

02.07.2005. In such circumstances, it is for the said committee to go into the genuineness of the community certificate of the appellant/petitioner. This aspect was not taken note of/considered by the learned Judge. Accordingly, the order of the learned Judge dated 17.11.2006 is set aside. The proceedings of the respondent in Na.Ka.1416/06 A5/ dated 16.10.2006 is quashed. The Revenue Divisional Officer, Dharmapuri - respondent herein is directed to transfer all the documents/materials to the three member District Level Caste Scrutiny Committee for verification of the community certificate issued in favour of the appellant/petitioner. The said committee is directed to give its conclusion within a period of six months from the date of receipt of the papers from the Revenue Divisional Officer, Dharmapuri after affording opportunity to the appellant/petitioner. The writ appeal is allowed on the above terms. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

gms

To
The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+ 1 CC To Mr.R.N.Amarnath, Advocate SR NO.3559

+ 1 CC to the Government Pleader SR NO 3398

W.A.No.76 of 2007

ssv[co]
gp/29.1

https://hcservices.ecourts.gov.in/hcservices/